

PATENT APPLICATION

CERTIFICATE OF MAILING/FACSIMILE TRANSMISSION (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is () being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box. 1450, Alexandria, Virginia 22313-1450, or () being transmitted by facsimile to the U.S. Patent and Trademark Office. (Fax No. 571 273 8300) (pages), the facsimile is being sent from (908) 429-3650, or (~~XXX~~) being submitted via EFS-Web under Private PAIR .

Alan P. Kass

(Print Name)

Date: January 26, 2009

/alan p. kass/

(Signature)

DOCKET NO. 2002DE422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Uwe FALK et al.

Art Unit: 1794

Serial No. 10/518,315, filed December 16, 2004

Examiner: CHAWLA, Jyoti

For: **USE OF COLLOIDAL ANIONIC SILICA SOLS AS CLARIFYING AGENTS**

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(d)

January 26, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attached:
IDS - 5 pages
Form SB_08a - 4 pages

Dear Sir:

In accordance with the duty of disclosure provisions of 37 CFR §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ Form PTO-SB_08a.

1b. ☒ The following documents are enclosed:

Copy of Office Action issued by Canadian Intellectual Property Office in Canadian Patent Application No. 2429821 dated December 11, 2008, which corresponds to U.S. Serial No. 10/451,931. It is noted that US2680721; US3617301; and US5196177 are of record in aforementioned parent application.

Copy of Office Action issued by the United States Patent and Trademark Office dated January 6, 2009, in co-pending application 10/451,931. It is noted that US3440174 is of record in the present application.

1d. ☐ English language translation (complete or relevant portion(s)) of each non-English language publication.

1e. ☐ Explanations of Relevancy of References (ATTACHMENT 1(d), hereto) for providing a concise explanation of each non-English publication.

2. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(b) before the latter of three months after the U.S. patent application filing date or the first Office Action on the merits. Accordingly, no fee or §1.97(e) Statement is required.

3. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(c) after the first Office Action on the merits, but before a Final Office Action or a Notice of Allowance.

3a. ☐ The §1.97(e) Statement in Item 5 below is applicable. Accordingly, no fee is required.

- 3b. ☐ The \$180.00 fee set forth in 37 CFR §1.17(p) in accordance with 37 CFR §1.97(c) is to be charged to Deposit Account No. 50-3309.
4. ☒ This Information Disclosure Statement is filed under 37 CFR §1.97(d) after the Final Office Action or the Notice of Allowance, but before payment of the Issue Fee.
- ☒ The §1.97(e) Statement (Item 5 below) is applicable.
- A Petition to the Commissioner is hereby made under 37 CFR §1.97(d) to request consideration of this Information Disclosure Statement. The \$180.00 fee set forth in 37 CFR §1.17(i) is to be charged to Deposit Account No. 50-3309.
5. ☒ Statement Under §1.97(e) (*applicable if Item 3a or Item 4 is checked*)
- 5a. ☒ In accordance with 37 CFR §1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 CFR §1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR §1.153(b). (*Check appropriate Items 6a and/or 6b.*)
- 6a. ☐ Copies of the publications listed on Form PTO-1449 from prior Application Serial No. / , filed on , of which this application claims priority under 35 USC §120 have been omitted pursuant to 37 CFR §1.98(d).
- 6b. ☐ Copies of the publications listed on Form PTO-1449 which were not previously cited in prior Application Serial No. / , filed on , of which this application claims priority under 35 USC §120, are provided herewith.

- 6c. ☐ Copies of the following publications listed on Form PTO-1449 are not provided herewith as they were previously submitted either through an earlier Information Disclosure Statement or were cited on the International Search Report:
7. ☐ This is a continuation/divisional application under 37 CFR §1.53(d). *(Check either Item 7a or 7b.)*
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from Issue under 37 CFR §1.313(b)(5) has been granted. A continuation application under 37 CFR §1.53(d) after payment of the Issue Fee is proper in accordance with 37 CFR §1.53(d)(1)(ii).
8. ☐ This is a Supplemental Information Disclosure Statement. *(Check either Item 8a or 8b.)*
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR §1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 CFR §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on _____.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR §1.97(i), mailed _____. (MPEP 609, Form ¶ 6.51, July 1997.)
9. ☐ In accordance with 37 CFR §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication listed is:

(Check appropriate Items 9a, 9b, 9c, 9d, and/or 9e)

- 9a. ☐ satisfied because all non-English language publications were cited on the English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office, which was submitted with applicants'

application papers and the receipt of which was acknowledged on the Rule 495 Notice of Acceptance, mailed 08/08/2005. (See U.S. Patent and Trademark Office's authorization in the Federal Register, Vol. 57, No. 12, January 17, 1992, at page 2031 (Reply to Comment 68)).

- 9b. ☐ Other information:
- 9c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
- 9d. ☐ the following equivalent English language publication is enclosed (or identified as a US patent):
- 9e. ☐ abstracts in the English language were previously submitted with Applicants' Information Disclosure Statement dated.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§1.97(g) and (h).
11. ☒ The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR §1.17 for this Information Disclosure Statement and/or Petition to Deposit Account No. 50-3309.

Respectfully submitted,

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